



## Buyer Beware

Posted by [Pierluigi Oliverio](#) on Monday, August 24, 2009

One of the most important responsibilities a councilmember has is working on constituent issues. So far, my office has managed 4,675 constituent issues, which I refer to as "cases." I set up a web database that allows constituents to track our case work in real time online.

In most cases we are successful in resolving the issue or concern. In other cases, constituents just want to share their comments on a particular matter. Some of the cases are comments on federal or state policy or other requests that are above and beyond what the city budget can provide, like, "please spend millions of dollars on a certain project" or "we want vintage street lights" when others streets do not even have street lights.

Recently, I had a request that came from a constituent who is a professional in the commercial real estate industry and is a veteran at purchasing property. He contacted my office a few months ago after purchasing a piece of property on Meridian Avenue. Unfortunately, this person did not contact the San Jose Planning Department before he bought the property to check how the property was zoned. He wanted me to tell the Planning Department to change the zoning to fit what he thought should be there instead of what the zoning has been for the past 30 years.

This request reminds me of the old adage: "buyer beware." For example, someone may buy a home near a bar, school or church and then complain about the noise and parking. Well, it is the due diligence of the buyer to research the area, check zoning as well as any inspections a home or property may need. To choose to complain instead of taking responsibility for the purchase lacks credibility.

There are two things to remember when purchasing property; one, when you buy property, check out the zoning first so you know what you're getting into—and if you do not like the zoning do not buy it. Second, if you buy a property and want to change the zoning, be prepared to invest time and money to do so, and figure that into the cost you pay for the property. Councilmembers cannot snap their

fingers to change the zoning in the General Plan or at the whim of a real estate professional who thinks that their opinion should override the General Plan process.

I feel sorry for this person since he put himself into a predicament. However, blaming government for your own lack of due diligence is probably not going to help matters. In this particular case, I have met with the planning department and even asked the planning director to get involved to see how we might be able to help this person even though he is the one that did not take responsibility. The director is pursuing possibilities on how we might be able to help, but the real estate professional is still not pleased.

I remember from the private sector that sometimes there was the client who was never happy no matter how much you gave of yourself to help them, even when they made the mistake. So, in those cases sometimes you parted ways with the customer, since mutual respect was absent. Sometimes working on constituent issues is like working with private-sector clients, and we try to help, but have to admit that we cannot please everyone every time.

Posted by [Pierluigi Oliverio](#) on Monday, August 24, 2009